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EXAMINER

QUELER, ADAM M

ART UNIT	PAPER NUMBER
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2178

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Please find below and/or attached an Office communication concerning this application or proceeding.

54

**Office Action Summary**

Applicant(s)

09/361,782

Applicant(s)

DEEN ET AL.

Examiner

Adam M Queler

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 02 June 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-47 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-47 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

### DETAILED ACTION

1. This action is responsive to communications: Amendment B filed 6/2/2003.
2. Claims 1-47 are pending in the case. Claims 1, 5, 14, 20, 31, 37, 41, and 44 are independent claims.
3. The objection to the specification has been withdrawn in view of Applicant's amendment.

### *Claim Rejections - 35 USC § 112*

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. **Claims 5-7, 14-19, 31-36, and 44-47 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.**

**Regarding claim 5-7, 14, 31, and 44,** the claims recite receiving an XML request for a client.

The Office interprets this limitation in two possible ways, and is therefore indefinite. The limitation could either mean the request is in XML, or that it is a request for XML. The Office will assume the latter limitation for examining purposes only.

**Regarding independent claim 14,** the term "in a manner in which" in claim 14 is a relative term, which renders the claim indefinite. The term "in a manner in which" is not defined by the claim, the specification does not provide a standard for ascertaining the requisite degree, and one of ordinary skill in the art would not be reasonably appraised of the scope of the invention.

**Regarding all dependent claims**, the dependent claims are rejected for fully incorporating the deficiencies of their base claims.

***Claim Rejections - 35 USC § 103***

6. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

7. Claim 37 is rejected under 35 U.S.C. 103(a) as being unpatentable over Bayeh et al (USPN 6012098 —2/23/1998) and further in view of “Internet Explorer 5 and XML” by Charles Heinemann (published 11/4/1998).

**Regarding independent claim 37**, Bayeh discloses gathering the data (col. 10, lines 46-58) with a servlet, which is an object, which inherently must be called. Bayeh also teaches formatting data into an XML syntax (col. 11, ll. 1-2). Bayeh discloses emitting formatted data (col. 11, ll. 20-24). However Bayeh does not teach formatting with the object that was passed the data. Rather Bayeh teaches that first it is formatted within the same object that gathered the data. It would have been obvious to one of ordinary skill in the art at the time of the invention to have one object to do both functions as it would reduce communications between the objects and make programming each object easier. In the case of only one call, there pre-defined order of the calls would be one.

Bayeh does not teach sending XML but rather HTML because browsers at the time of Bayeh “expect[ed] to receive data that had been formatted with HTML.” (Col. 11, ll. 35-43)

Heinemann teaches that browsers at the time of the invention expected to receive XML data (p. 1, 1<sup>st</sup> para. and p. 5, “Direct Viewing”). It would have been obvious to one of ordinary skill in the art at the time of the invention to combine Heinemann with Bayeh and send the unformatted

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XML as it would allow the client computer to use the capabilities of XML such as validation (Heinemann, p. 2), DOM, (Heinemann, p. 3), and XSL (Heinemann, p. 4).

**8. Claims 1-7, 10-11, 13-14, 16-17, 19, 31-32, 34-35, and 38 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bayeh, and further in view of Heinemann, and further in view of "XML Fragment Interchange, W3C Working Draft" (published 3/3/1999) hereinafter W3C.**

**Regarding independent claim 1**, Bayeh discloses processing and formatting results as XML (FIG 5, step 260). Preparing is broadly interpreted by the examiner to be equivalent to formatting and processing. Bayeh does not teach sending XML but rather HTML because browsers at the time of Bayeh "expect[ed] to receive data that had been formatted with HTML." (Col. 11, ll. 35-43) Heinemann teaches that browsers at the time of the invention expected to receive XML data (p. 1, 1<sup>st</sup> para. and p. 5, "Direct Viewing"). It would have been obvious to one of ordinary skill in the art at the time of the invention to combine Heinemann with Bayeh and send the unformatted XML as it would allow the client computer to use the capabilities of XML such as validation (Heinemann, p. 2), DOM, (Heinemann, p. 3), and XSL (Heinemann, p. 4). Neither Bayeh nor Heinemann disclose dealing with the XML in portions. W3C discloses sending a method of dividing XML in to fragments (portions) as well as sending them (Abstract). It would have been obvious to combine Bayeh, Heinemann and W3C in order to deal with portions of XML so that if the user wants a particular section, he does need to receive them all (W3C, p. 3, "Overview", 2<sup>nd</sup> para.).

Neither of the sources discloses repeating the steps until the document is sent, however W3C does teach that the portions may be used to reassemble the document (p. 3, Overview para. 2, last

line.) Therefore it would have been obvious to repeat the steps until the document is sent so that the parts could be reassembled (p. 3, Overview para. 2, last line).

**Regarding dependent claim 2**, Bayeh discloses gathering the data (col. 10, lines 46-58). Bayeh discloses calling an object (servlet) and passing it the data (col. 11, ll. 20-24). Bayeh also teaches formatting data into XML syntax (col. 11, ll. 1-2). However Bayeh does not teach formatting with the object that was passed the data. Rather Bayeh teaches that first it is formatted within the same object that gathered the data. It would have been obvious to one of ordinary skill in the art at the time of the invention to have one object to the both function as it would reduce communications between the objects and make programming each object easier.

**Regarding dependent claim 3**, Bayeh teaches a gathering object to gather data (col. 10, lines 46-58).

**Regarding dependent claim 4**, Bayeh discloses receiving a request (col. 10, lines 19-25).

**Regarding independent claim 5**, Bayeh discloses receiving a request (col. 10, lines 19-25). Bayeh discloses processing and formatting results as XML (FIG 5, step 260). Preparing is broadly interpreted by the examiner to be equivalent to formatting and processing. Bayeh does not teach sending XML but rather HTML because browsers at the time of Bayeh “expect[ed] to receive data that had been formatted with HTML.” (Col. 11, ll. 35-43) Heinemann teaches that browsers at the time of the invention expected to receive XML data (p. 1, 1<sup>st</sup> para. and p. 5, “Direct Viewing”). It would have been obvious to one of ordinary skill in the art at the time of the invention to combine Heinemann with Bayeh and send the unformatted XML as it would allow the client computer to use the capabilities of XML such as validation (Heinemann, p. 2), DOM, (Heinemann, p. 3), and XSL (Heinemann, p. 4).

Neither Bayeh nor Heinemann disclose dealing with the XML in portions. W3C discloses sending a method of dividing XML in to fragments (portions) as well as sending them (Abstract). It would have been obvious to combine Bayeh, Heinemann and W3C in order to deal with portions of XML so that if the user wants a particular section, he does need to receive them all (W3C, p. 3, "Overview", 2<sup>nd</sup> para.).

**Regarding dependent claim 6**, neither of the sources discloses repeating the steps until the document is sent, however W3C does teach that the portions may be used to reassemble the document (p. 3, Overview para. 2, last line). Therefore it would have been obvious to repeat the steps until the document is sent so that the parts could be reassembled (p. 3, Overview para. 2, last line).

**Regarding dependent claim 7**, neither of the sources discloses repeating the steps until the document is sent, however W3C does teach that the portions may be used to reassemble the document (p. 3, Overview para. 2, last line). Therefore it would have been obvious to repeat the steps until the document is sent so that the parts could be reassembled.

While none of the sources disclose sending portions in order, it would have been obvious to do so, in order to reduce the complexity, when the data is reassembled (p. 3, Overview para. 2, last line).

**Regarding dependent claim 10**, Bayeh discloses gathering the data (col. 10, lines 46-58), inherently with some kind of mechanism. Bayeh also teaches formatting data into an XML syntax (col. 1, ll. 1-2), inherently with some kind of mechanism.

**Regarding dependent claim 11**, as Bayeh, W3C, and Heinemann discloses sending the response as described in claim 5 above, there was inherently a mechanism to do so.

**Regarding dependent claims 13**, the program of claim 13 is the program for carrying out the method of claim 5 and is rejected under the same rationale.

**Regarding independent claim 14**, Bayeh discloses receiving a request (col. 10, lines 19-25).

Bayeh discloses gathering the data (col. 10, lines 46-58) that is to appear in response. Bayeh also teaches formatting data into an XML syntax (col. 11, ll. 1-2). Bayeh discloses emitting formatted data (col. 11, ll. 20-24). However Bayeh does not teach formatting with the object that was passed the data. Rather Bayeh teaches that first it is formatted within the same object that gathered the data. It would have been obvious to one of ordinary skill in the art at the time of the invention to have one object to do both functions as it would reduce communications between the objects and make programming each object easier.

Bayeh does not teach sending XML but rather HTML because browsers at the time of Bayeh “expect[ed] to receive data that had been formatted with HTML.” (Col. 11, ll. 35-43)

Heinemann teaches that browsers at the time of the invention expected to receive XML data (p. 1, 1<sup>st</sup> para. and p. 5, “Direct Viewing”). It would have been obvious to one of ordinary skill in the art at the time of the invention to combine Heinemann with Bayeh and send the unformatted XML as it would allow the client computer to use the capabilities of XML such as validation (Heinemann, p. 2), DOM, (Heinemann, p. 3), and XSL (Heinemann, p. 4).

As Bayeh makes no mention of building a hierarchical tree, the Office interprets its absence to mean that it also emits data “in a manner in which” a tree would not have to be built. However, W3C discloses sending a method of dividing XML in to fragments (portions) as well as sending them (Abstract). As the pieces were sent in portions, none of portions would be the full XML response; therefore there would be no need to build the hierarchical tree that represents the full



XML response. It would have been obvious to combine Bayeh, Heinemann and W3C in order to deal with portions of XML so that if the user wants a particular section, he does need to receive them all (W3C, p. 3, "Overview", 2<sup>nd</sup> para.).

**Regarding dependent claim 16**, Bayeh does teach calling an object as described in claim 14 above. W3C teaches splitting a document into parts as described in claim 14 above. Bayeh, W3C, and Heinemann do not disclose calling an object multiple times. It would have been obvious to one of ordinary skill in the art at the time of the invention to call the objects multiple times thereby process multiple parts of the document so that at the client they could be reassembled (W3C, p. 3, Overview para. 2, last line).

**Regarding dependent claim 17**, Bayeh does teach calling an object as described in claim 14 above. W3C teaches splitting a document into parts as described in claim 14 above. Bayeh, W3C, and Heinemann do not disclose calling an object multiple times. It would have been obvious to one of ordinary skill in the art at the time of the invention to call the objects multiple times thereby process multiple parts of the document so that at the client they could be reassembled (W3C, p. 3, Overview para. 2, last line).

While none of the sources disclose sending portions in order, it would have been obvious to do so, in order to reduce the complexity, when the data is reassembled (p. 3, Overview para. 2, last line).

**Regarding dependent claim 19**, the program of claim 19 is the program for carrying out the method of claim 14 and is rejected under the same rationale.

**Regarding independent claim 31**, Bayeh discloses receiving a request (col. 10, lines 19-25).

Inherently, Bayeh has a mechanism for dealing with such a request. Bayeh discloses processing

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and formatting results as XML (FIG 5, step 260). Preparing is broadly interpreted by the examiner to be equivalent to formatting and processing. Inherently Bayeh has a mechanism for preparing, that is also couple to request-receiving mechanism as it prepares the response to the said request handled by said request-receiving mechanism. Bayeh does not teach sending XML but rather HTML because browsers at the time of Bayeh “expect[ed] to receive data that had been formatted with HTML.” (Col. 11, ll. 35-43) Inherently there was a mechanism for sending. Heinemann teaches that browsers at the time of the invention expected to receive XML data (p. 1, 1<sup>st</sup> para. and p. 5, “Direct Viewing”). It would have been obvious to one of ordinary skill in the art at the time of the invention to combine Heinemann with Bayeh and send the unformatted XML as it would allow the client computer to use the capabilities of XML such as validation (Heinemann, p. 2), DOM, (Heinemann, p. 3), and XSL (Heinemann, p. 4).

Neither Bayeh nor Heinemann disclose dealing with the XML in portions. W3C discloses sending a method of dividing XML in to fragments (portions) that constitute less the entirety of the documents, as well as sending them (Abstract). It would have been obvious to combine Bayeh, Heinemann and W3C in order to deal with portions of XML so that if the user wants a particular section, he does need to receive them all (W3C, p. 3, “Overview”, 2<sup>nd</sup> para.).

**Regarding dependent claim 32**, neither of the sources discloses repeating the steps until the document is sent, however W3C does teach that the portions may be used to reassemble the document (p. 3, Overview para. 2, last line). Therefore it would have been obvious to repeat the steps until the document is sent so that the parts could be reassembled (p. 3, Overview para. 2, last line).

**Regarding dependent claim 34**, while none of the sources disclose sending portions in order, it would have been obvious to do so, in order to reduce the complexity, when the data is reassembled (p. 3, Overview para. 2, last line).

**Regarding dependent claim 35**, Bayeh discloses gathering the data (col. 10, lines 46-58). Bayeh also teaches formatting data into XML syntax (col. 11, ll. 1-2).

**Regarding dependent claim 38**, Neither Bayeh nor Heinemann discloses portions. W3C discloses sending a method of dividing XML in to fragments (portions) as well as sending them (Abstract). It would have been obvious to combine Bayeh, Heinemann and W3C in order to deal with portions of XML so that if the user wants a particular section, he does need to receive them all (W3C, p. 3, "Overview", 2<sup>nd</sup> para.).

**9. Claims 8, 9, 18, and 33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bayeh, Heinemann and W3C, and further in view of "Extensions for Distributed Authoring on the World Wide Web – WebDAV, Internet Draft," by Goland et al (published 4/7/1998).**

**Regarding dependent claims 9, 18, and 33**, Bayeh, W3C, and Heinemann do not disclose a multi-status response. Goland discloses a multi-status response, which is an ordinary XML document (p. 54). It would have been obvious to one of ordinary skill in the art at the time of the invention to use the combination of Bayeh W3C and Heinemann, which processed XML document as disclosed in claim 5 above, to respond with a multi-status response as it was a normally formatted XML document.

**Regarding dependent claim 8**, Bayeh, W3C, and Heinemann do not disclose a multi-status response. Goland discloses a multi-status response, which is an ordinary XML document (p. 54).

It would have been obvious to one of ordinary skill in the art at the time of the invention to use the combination of Bayeh W3C and Heinemann, which processed XML document as disclosed in claim 5 above, to respond with a multi-status response as it was a normally formatted XML document.

Neither of the sources discloses repeating the steps until the document is sent, however W3C does teach that the portions may be used to reassemble the document (p. 3, Overview para. 2, last line). Therefore it would have been obvious to repeat the steps until the document is sent so that the parts could be reassembled.

While none of the sources disclose sending portions in order, it would have been obvious to do so, in order to reduce the complexity, when the data is reassembled (p. 3, Overview para. 2, last line).

**10. Claims 20 and 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bayeh and further in view of Goland.**

**Regarding independent claim 20**, Bayeh discloses receiving a request (col. 10, lines 19-25). Bayeh teaches gathering data for a response with an object (col. 10, lines 46-58).

Bayeh does not disclose calling and passing data to another object that would generate the XML. However Bayeh does teach the data is gathered and formed by the same data servlet object (col. 11, ll. 1-2). Bayeh generates *at least* a portion of the response, which includes the whole response. It would have been obvious to one of ordinary skill in the art at the time of the invention to have one object to do both functions as it would reduce communications between the objects and make programming each object easier. Bayeh does not disclose the request being a WebDAV method. Goland discloses several WebDAV request methods (ch. 7). As the

methods have different functions, it would be inherent to determine what method is contained before processing. It would have been obvious to one of ordinary skill in the art at the time of the invention to request with WebDAV as any data gathering method could be used (Bayeh, col. 10, ll 45-58).

**Regarding dependent claim 30**, the program for performing the method of claim 20 is rejected under the same rationale.

**11. Claims 21-22, are rejected under 35 U.S.C. 103(a) as being unpatentable over Bayeh and further in view of Goland, and further in view of Heinemann.**

**Regarding dependent claim 21**, Bayeh and Goland do not teach sending the XML response to the client; however, Bayeh teaches sending HTML because browsers at the time of Bayeh “expect[ed] to receive data that had been formatted with HTML.” (Col. 11, ll. 35-43)

Heinemann teaches that browsers at the time of the invention did expect to receive XML data (p. 1, 1<sup>st</sup> para. and p. 5, “Direct Viewing”). It would have been obvious to one of ordinary skill in the art at the time of the invention to combine Heinemann with Bayeh and send the unformatted XML as it would allow the client computer to use the capabilities of XML such as validation (Heinemann, p. 2), DOM, (Heinemann, p. 3), and XSL (Heinemann, p. 4).

**Regarding dependent claim 22**, Bayeh does not build an entire hierarchical tree structure.

**12. Claims 23, 25, and 44-47 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bayeh and further in view of Goland, and further in view of W3C.**

**Regarding dependent claim 23**, Bayeh, and Goland do not teach calling an object multiple times. W3C discloses sending a method of dividing XML in to fragments (portions) as well as sending them (Abstract). It would have been obvious to combine Bayeh and W3C in order to

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deal with portions of XML so that if the user wants a particular section, he does need to receive them all (W3C, p. 3, "Overview", 2<sup>nd</sup> para.).

W3C does teach that the portions may be used to reassemble the document (p. 3, Overview para. 2, last line.) Therefore it would have been obvious to repeat the steps until the document is sent so that the parts could be reassembled (p. 3, Overview para. 2, last line).

**Regarding dependent claim 25**, Bayeh, and Goland do not teach calling an object multiple times. W3C discloses sending a method of dividing XML in to fragments (portions) as well as sending them (Abstract). It would have been obvious to combine Bayeh and W3C in order to deal with portions of XML so that if the user wants a particular section, he does need to receive them all (W3C, p. 3, "Overview", 2<sup>nd</sup> para.).

W3C does teach that the portions may be used to reassemble the document (p. 3, Overview para. 2, last line.) Therefore it would have been obvious to repeat the steps until the document is sent so that the parts could be reassembled (p. 3, Overview para. 2, last line).

While none of the sources disclose sending portions in order, it would have been obvious to do so, in order to reduce the complexity, when the data is reassembled (p. 3, Overview para. 2, last line).

**Regarding independent claim 44**, Bayeh discloses receiving a request (col. 10, lines 19-25).

Bayeh teaches using an object that is inherently associated with the request, and inherently instantiated, build the XML response (col. 10, lines 46-58, col. 11, ll. 1-2).

Bayeh does not teach HTTP verbs. Goland discloses WebDAV request methods (ch. 7). The office interprets these methods to be HTTP verbs. As the methods have different functions, it would be inherent to determine what method is contained before processing. It would have been

obvious to one of ordinary skill in the art at the time of the invention to request with HTTP verbs as any data gathering method could be used (Bayeh, col. 10, ll 45-58).

Bayeh, and Goland do not teach building portions of XML. W3C discloses sending a method of dividing XML in to fragments (portions) as well as sending them (Abstract). It would have been obvious to combine Bayeh and W3C in order to deal with portions of XML so that if the user wants a particular section, he does need to receive them all (W3C, p. 3, "Overview", 2<sup>nd</sup> para.).

**Regarding dependent claim 45**, Bayeh teaches that the request is routed to the "proper" object (col. 10, ll. 30-31). The Office interprets this to mean that the object is unique to the request.

**Regarding dependent claim 46**, Bayeh discloses calling an object (servlet) and passing it the data (col. 11, ll. 20-24).

**Regarding dependent claim 47**, Bayeh discloses calling an object (servlet) and passing it the data (col. 11, ll. 20-24). Bayeh also teaches formatting data into an XML syntax (col. 11, ll. 1-2). However Bayeh does not teach formatting with the object that was passed the data. Rather Bayeh teaches that first it is formatted within the same object that gathered the data. It would have been obvious to one of ordinary skill in the art at the time of the invention to have one object to the both function as it would reduce communications between the objects and make programming each object easier.

**13. Claims 24, 26, and 41-43 rejected under 35 U.S.C. 103(a) as being unpatentable over Bayeh, and further in view of Goland, and further in view of W3C, and further in view of Heinemann.**

**Regarding dependent claim 24**, Bayeh, and Goland do not teach sending multiple portions. W3C discloses a method of dividing XML in to fragments (portions) as well as sending them

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(Abstract). It would have been obvious to combine Bayeh and W3C in order to deal with portions of XML so that if the user wants a particular section, he does need to receive them all (W3C, p. 3, "Overview", 2<sup>nd</sup> para.).

W3C also teaches that the portions may be used to reassemble the document (p. 3, Overview para. 2, last line.) Therefore it would have been obvious send the portions so that the parts could be reassembled (p. 3, Overview para. 2, last line).

Bayeh, Goland and W3C do not teach sending XML to the client but rather HTML because browsers at the time of Bayeh "expect[ed] to receive data that had been formatted with HTML." (Col. 11, ll. 35-43) Heinemann teaches that browsers at the time of the invention expected to receive XML data (p. 1, 1<sup>st</sup> para. and p. 5, "Direct Viewing"). It would have been obvious to one of ordinary skill in the art at the time of the invention to combine Heinemann with Bayeh and send the unformatted XML as it would allow the client computer to use the capabilities of XML such as validation (Heinemann, p. 2), DOM, (Heinemann, p. 3), and XSL (Heinemann, p. 4).

**Regarding dependent claim 26**, Bayeh, and Goland do not teach calling an object multiple times. W3C discloses sending a method of dividing XML in to fragments (portions) as well as sending them (Abstract). It would have been obvious to combine Bayeh and W3C in order to deal with portions of XML so that if the user wants a particular section, he does need to receive them all (W3C, p. 3, "Overview", 2<sup>nd</sup> para.).

W3C does teach that the portions may be used to reassemble the document (p. 3, Overview para. 2, last line.) Therefore it would have been obvious to repeat the steps until the document is sent so that the parts could be reassembled (p. 3, Overview para. 2, last line).



Bayeh, and Goland do not teach sending multiple portions. W3C discloses a method of dividing XML in to fragments (portions) as well as sending them (Abstract). It would have been obvious to combine Bayeh and W3C in order to deal with portions of XML so that if the user wants a particular section, he does need to receive them all (W3C, p. 3, "Overview", 2<sup>nd</sup> para.).

W3C also teaches that the portions may be used to reassemble the document (p. 3, Overview para. 2, last line.) Therefore it would have been obvious send the portions so that the parts could be reassembled (p. 3, Overview para. 2, last line).

Bayeh, Goland and W3C do not teach sending XML but rather HTML because browsers at the time of Bayeh "expect[ed] to receive data that had been formatted with HTML." (Col. 11, ll. 35-43) Heinemann teaches that browsers at the time of the invention expected to receive XML data (p. 1, 1<sup>st</sup> para. and p. 5, "Direct Viewing"). It would have been obvious to one of ordinary skill in the art at the time of the invention to combine Heinemann with Bayeh and send the unformatted XML as it would allow the client computer to use the capabilities of XML such as validation (Heinemann, p. 2), DOM, (Heinemann, p. 3), and XSL (Heinemann, p. 4).

**Regarding independent claim 41**, Bayeh discloses receiving a request (col. 10, lines 19-25).

Bayeh teaches using an object that is inherently associated with the request to gather data (col. 10, lines 46-58). Bayeh discloses emitting formatted data (col. 11, ll. 20-24). However Bayeh does not teach formatting with the object that was passed the data. Rather Bayeh teaches that first it is formatted within the same object that gathered the data. It would have been obvious to one of ordinary skill in the art at the time of the invention to have one object to do both functions, therefore eliminating the series of calls, as it would reduce communications between the objects and make programming each object easier.

Bayeh does not teach HTTP verbs. Goland discloses WebDAV request methods (ch. 7). The office interprets these methods to be HTTP verbs. As the methods have different functions, it would be inherent to determine what method is contained before processing. It would have been obvious to one of ordinary skill in the art at the time of the invention to request with HTTP verbs as any data gathering method could be used (Bayeh, col. 10, ll 45-58).

Bayeh, and Goland do not teach calling an object multiple times, or dealing with portions of XML. W3C discloses sending a method of dividing XML in to fragments (portions) as well as sending them (Abstract). It would have been obvious to combine Bayeh and W3C in order to deal with portions of XML so that if the user wants a particular section, he does need to receive them all (W3C, p. 3, "Overview", 2<sup>nd</sup> para.).

Bayeh, Goland and W3C do not teach sending XML to the client but rather HTML because browsers at the time of Bayeh "expect[ed] to receive data that had been formatted with HTML." (Col. 11, ll. 35-43) Heinemann teaches that browsers at the time of the invention expected to receive XML data (p. 1, 1<sup>st</sup> para. and p. 5, "Direct Viewing"). It would have been obvious to one of ordinary skill in the art at the time of the invention to combine Heinemann with Bayeh and send the unformatted XML as it would allow the client computer to use the capabilities of XML such as validation (Heinemann, p. 2), DOM, (Heinemann, p. 3), and XSL (Heinemann, p. 4).

**Regarding dependent claim 42**, while none of the sources disclose sending portions in order, it would have been obvious to do so, in order to reduce the complexity, when the data is reassembled (p. 3, Overview para. 2, last line).

**Regarding dependent claim 43**, Bayeh, Goland and W3C, are silent as to sending less than an entirety of a response. However, it would have been obvious to one of ordinary skill in the art to

send less the entirety of the response so that if the user wants a particular section, he does need to receive them all (W3C, p. 3, "Overview", 2<sup>nd</sup> para.).

**14. Claims 12, 15, 36, 39, and 40 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bayeh, Heinemann, and W3C, and further in view of Kavner (USPN 6366947—filed on 1/20/1998).**

**Regarding dependent claims 12, 36, and 39** Bayeh, Heinemann and W3C are silent as to using a buffer. Kavner discloses a buffer that buffers a response until it is filled, and then empties, or sends the buffer to the client (col. 10, lines 7-14). There inherently must be a threshold in order for the buffer to be full. It would have been obvious to one of ordinary skill in the art to modify Kavner into Bayeh and Schloss in order to buffer the response.

**Regarding dependent claim 40**, Bayeh, Heinemann, W3C, and Kavner are silent as to sending less than an entirety of a response. However, it would have been obvious to one of ordinary skill in the art to send less the entirety of the response so that if the user wants a particular section, he does need to receive them all (W3C, p. 3, "Overview", 2<sup>nd</sup> para.).

**Regarding dependent claim 15**, Bayeh, Heinemann and W3C are silent as to using a buffer. Kavner discloses a buffer that buffers a response until it is filled, and then empties, or sends the buffer to the client (col. 10, lines 7-14). There inherently must be a threshold in order for the buffer to be full. It would have been obvious to one of ordinary skill in the art to modify Kavner into Bayeh in order to buffer the response.

**15. Claims 27-29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bayeh, and Goland, and further in view of W3C, and further in view of Kavner.**

**Regarding dependent claim 27**, Bayeh and Goland do not disclose multiple portions. W3C discloses sending a method of dividing XML in to fragments (portions) as well as sending them (Abstract). It would have been obvious to combine Bayeh and W3C in order to deal with portions of XML so that if the user wants a particular section, he does need to receive them all (W3C, p. 3, "Overview", 2<sup>nd</sup> para.).

Bayeh, Goland and W3C are silent as to using a buffer. Kavner discloses a buffer that buffers a response until it is filled, and then empties, or sends the buffer to the client (col. 10, lines 7-14). It would have been obvious to one of ordinary skill in the art to modify Kavner into Bayeh, Goland and W3C in order to buffer the response.

**Regarding dependent claims 28**, Bayeh, Goland and W3C, and Kavner are silent as to sending less than an entirety of a response. However, it would have been obvious to one of ordinary skill in the art to send less than the entirety of the response so that if the user wants a particular section, he does need to receive them all (W3C, p. 3, "Overview", 2<sup>nd</sup> para.).

**Regarding dependent claims 29**, the buffer disclosed in Kavner must inherently have a threshold in order for the buffer to be full.

### ***Response to Arguments***

16. Applicant's arguments with respect to claims 1-47 have been considered but are moot in view of the new ground(s) of rejection.

### ***Conclusion***

17. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Art Unit: 2178


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Adam M Queler whose telephone number is (703) 308-5213.

The examiner can normally be reached on Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Heather R Herndon can be reached on (703) 308-5186. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 746-7239 for regular communications and (703) 746-7238 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 306-5631.

AQ  
August 7, 2003

  
STEPHEN S. HONG  
PRIMARY EXAMINER